

circumstances you may request an additional six months to complete Phase 2 testing.

(e) If you make a good-faith effort to access enough test vehicles to complete Phase 1 or Phase 2 testing requirements under this subpart for an engine family, but are unable to do so, you must ask us either to modify the testing requirements for the selected engine family or, in the case of Phase 1 testing, to select a different engine family.

(f) After you complete the in-use testing requirements for an engine family that we selected for testing in a given calendar year, we may select that same family in a later year to evaluate the engine family's compliance closer to the end of its useful life. This would count as an additional engine-family selection under paragraph (a) of this section, except as described in paragraph (b) of this section.

(g) For any communication related to this subpart, contact the Engine Programs Group Manager (6405-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

§ 86.1908 How must I select and screen my in-use engines?

(a) Once we direct you to do testing under this subpart, you must make arrangements to select test vehicles and engines that meet the following criteria:

- (1) The engines must be representative of the engine family.
- (2) The usage of the vehicles must be representative of typical usage for the vehicles' particular application.
- (3) The vehicles come from at least two independent sources.
- (4) The key vehicle/engine systems (*e.g.*, power train, drive train, emission control) have been properly maintained and used.
- (5) The engines have not been tampered with, rebuilt or undergone major repair that could be expected to affect emissions.
- (6) The engines have not been misfueled. For example, an engine may be considered misfueled if operated on a biodiesel fuel blend that is either not listed as allowed or otherwise indicated

to be an unacceptable fuel in the vehicle's owner or operator manual.

(7) The engines do not have an illuminated MIL or stored OBD trouble code that lead you to reject the vehicle from the test program as described in § 86.1910(b)(2).

(8) The vehicles are likely to operate for at least three hours (excluding idle) over a complete shift-day, as described in § 86.1910(g).

(9) The vehicles have not exceeded the applicable useful life, in miles or years (see subpart A of this part); you may otherwise not exclude engines from testing based on their age or mileage.

(10) The vehicle has appropriate space for safe and proper mounting of the PEMS equipment.

(b) You must keep any records of a vehicle's maintenance and use history you obtain from the owner or operator, as required by § 86.1925. You must report the engine's maintenance and use history and information related to the OBD system, as described in § 86.1920.

(c) You must notify us before rejecting a candidate vehicle for reasons other than failing to meet the acceptance criteria in paragraph (a) of this section. A candidate vehicle is any prospective vehicle you have identified to potentially fulfill your testing requirements under this subpart. Include your reasons for rejecting each vehicle. If an owner declines to participate in the test program, you may reject the vehicle without prior notification. Such a rejection must be reported as described in § 86.1920. We may allow you to replace the rejected vehicle with another candidate vehicle to meet your testing requirements for the specific engine family.

(d) You must report when, how, and why you reject candidate vehicles, as described in § 86.1920.

§ 86.1910 How must I prepare and test my in-use engines?

(a) You must limit maintenance to what is in the owners manual for engines with that amount of service and age. For anything we consider an adjustable parameter (*see* § 86.094–21(b)(1)(ii) and § 86.094–22(e)), you may adjust that parameter only if it is outside of its adjustable range. You must